

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**Criminal No. 2:11-cr-00238**

**HARRY MARSHALL RAE**

**DEFENDANT'S MOTION FOR U.S. MARSHAL SERVICE  
TO ARRANGE FOR DEFENDANT'S TRANSPORTATION  
AND LODGING FOR ATTENDANCE AT PLEA HEARING**

Defendant, Harry Marshall Rae, by counsel, moves this Court, pursuant to 18 U.S.C. §4285, to enter an appropriate Order requiring the U.S. Marshal's Service to purchase a round trip airline ticket for Mr. Rae to travel to Charleston, West Virginia and to provide an amount of money for subsistence expenses for lodging to facilitate Mr. Rae's attendance at his plea hearing scheduled to take place at 10:00 a.m. on January 31, 2012.

In support of this Motion, the defendant states as follows:

(1) Mr. Rae is charged in a one-count Indictment with a violation of 18 U.S.C. § 875(d), extortion by interstate communication. Mr. Rae completed a financial affidavit at his September 29, 2011 initial appearance in the Eastern District of California. The Honorable Sheila K. Oberto determined that Mr. Rae qualified for court appointed counsel and appointed the Office for the Federal Public Defender to represent Mr. Rae for this matter.

(2) Mr. Rae's arraignment and detention hearings were held on October 18, 2011 in Charleston before the Honorable Mary E. Stanley. Judge Stanley determined that Mr. Rae should not be detained and placed him on the standard personal recognizance bond

allowing Mr. Rae to live with his sister in Angel's Camp, California. [See Docket No. 13]. Mr. Rae has since returned to California and is currently staying with his sister.

(3) Mr. Rae presently lacks the financial means to purchase airfare to travel to Charleston for his scheduled plea hearing and to pay for lodging. This Court has the authority under 18 U.S.C. §4285 to direct the United States Marshal's Service to furnish the fare for an indigent defendant's transportation to and from court proceedings and to provide an amount of money for subsistence expenses, such as lodging.

For the reasons set forth in this Motion, Mr. Rae respectfully requests this Court to grant this Motion and enter the appropriate Order directing the United States Marshal to purchase a round trip airline ticket and to provide an amount of money for subsistence expenses to facilitate Mr. Rae's attendance at his plea hearing.

Respectfully submitted this 27th day of January 2012.

**HARRY MARSHALL RAE**

**By Counsel**

**s/ Christian M. Capece**  
**Mary Lou Newberger, WV Bar No. 2721**  
**Christian M. Capece, WV Bar No. 10717**  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing **DEFENDANT'S MOTION FOR U.S. MARSHAL SERVICE TO ARRANGE FOR DEFENDANT'S TRANSPORTATION AND LODGING FOR ATTENDANCE AT PLEA HEARING** has been electronically filed with the Clerk of Court this date using the CM/ECF system and served upon opposing counsel as follows:

**VIA CM/ECF:** Steven R. Ruby, AUSA  
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**DATE: January 27, 2012**

**s/ Christian M. Capece,**  
**Christian M. Capece, WV Bar No. 10717**  
**Federal Public Defender**  
**Attorney for Defendant**  
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